

EXHIBIT 1

**Declaration of Eamon P. Kelly
in support of Unopposed
Motion to Withdraw Request for
Exclusion**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**IN RE: BLUE CROSS BLUE SHIELD
ANTITRUST LITIGATION
(MDL No. 2406)**

Master File No. 2:13-CV-20000-RDP

This document relates to Subscriber-Track cases.

**DECLARATION OF EAMON P. KELLY IN SUPPORT OF CERTAIN FUNDS’
UNOPPOSED MOTION TO WITHDRAW REQUEST FOR EXCLUSION
AND REJOIN THE SUBSCRIBER DAMAGES CLASS**

I, Eamon P. Kelly, declare under oath that:

1. Class members United Food and Commercial Workers Local No. 1546 Food Handlers Welfare Fund; Bakery, Cracker, Pie, Yeast Drivers and Miscellaneous Workers Union Local 734 of the International Brotherhood of Teamsters Welfare Fund; Structural Iron Workers Local 1 Welfare Fund; Chicago Area I.B. of T. Welfare Fund; and Teamsters Local 786 Building Material Welfare Fund (collectively herein, the “Funds”) wish to withdraw their respective requests for exclusion from the Subscriber Settlement Damages Class (the “Damages Class”). The Funds expect that if the Motion to Withdraw is granted, the Funds would maintain the same rights and obligations as other class members.

2. Each of the Funds submitted a timely request to be excluded from the Damages Class, as reflected and acknowledged by the Notice and Claims Administrator for the Class Settlement on the record. ECF No. 2928 at 5:107, 8:302, 33:1865, 33:1903, 34:1978.

3. After the Court issued the Final Order and Judgment Granting Approval of Subscriber Class Action Settlement and Appointing Settlement Administrator (“Final Approval Order”),

ECF No. 2931; *see also* ECF No. 2939 (amending Final Approval Order), the Funds reconsidered their position and now desire to rejoin the Damages Class.

4. The Funds have not filed a suit related to this litigation against Defendants and are not part of any existing opt-out litigation.

5. The Funds have not entered into any other settlements, releases, or agreements resolving their claims in the *In re: Blue Cross Blue Shield Antitrust Litigation* with any Defendant in this litigation.

6. Chicago Area I.B. of T. Welfare Fund, Bakery, Cracker, Pie, Yeast Drivers and Miscellaneous Workers Union Local 734 of the International Brotherhood of Teamsters Welfare Fund, Structural Iron Workers Local 1 Welfare Fund, and United Food and Commercial Workers Local No. 1546 Food Handlers Welfare Fund purchase or intend to purchase administrative services from Blue Cross and Blue Shield of Illinois (“HCSC-IL”) using the services of the Midwest Employee Benefit Funds Coalition (“MEBFC”).

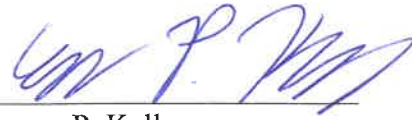
7. Bakery, Cracker, Pie, Yeast Drivers and Miscellaneous Workers Union Local 734 of the International Brotherhood of Teamsters Welfare Fund, Structural Iron Workers Local 1 Welfare Fund, and United Food and Commercial Workers Local No. 1546 Food Handlers Welfare Fund purchase administrative services from HCSC-IL, using the services of the MEBFC.

8. Chicago Area I.B. of T. Welfare Fund intends to rely on HCSC-IL for administrative services, using the services of the MEBFC, in 2024.

9. To the best of my knowledge, Settlement Class Counsel and Defendants to do not oppose the Motion to Withdraw.

* * *

I certify under penalty of perjury that the forgoing is true and correct to the best of my knowledge. Executed this 28th day of April, 2023, in Chicago, Illinois.



Eamon P. Kelly